

REMARKS

Applicant gratefully acknowledges the allowance of claims 31-35. In response to Examiner's rejections of pending claims 1-30, Applicant respectfully asks Examiner for reconsideration of the application and pending claims 1-30 based on the following remarks.

Claim Rejections – 35 U.S.C. § 101

The Examiner has rejected claim 11 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant has amended paragraph 13 in the specification to remove the references to the non-statutory subject matter that the Examiner has claimed was present in the specification. No new matter has been added. Thus, Applicant respectfully requests that the Examiner remove the 35 U.S.C. 101 rejection in regard to independent claim 11 as well as dependent claims 12-20, which are dependent on independent claim 11.

Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-3, 9-13, 19-23, 29, and 30 under 35 U.S.C §103(a), as being unpatentable over Nakamura ("Nakamura") (U.S. Patent No. 6,016,548) in view of Sun ("Sun") (U.S. Patent No. 5,983,357). For the reasons set forth below, Applicant asserts that the cited references fail to teach, suggest, or render obvious Applicant's invention as claimed in claims 1-3, 9-13, 19-23, 29, and 30.

Nakamura discloses a computer system capable of entering a sleep mode. The system in Nakamura further teaches that the rate at which the computer switches between a normal state and a stop grant state while in the sleep mode is controllable by a timer (see e.g. Nakamura Abstract).

Sun discloses an approach for computer power management that includes measuring a rate of communications with a device and regulating power based on that measurement (see e.g. Sun Abstract).

With respect to independent claim 1 in the presently claimed invention, Applicant teaches and claims:

“A method comprising, if throttling is enabled,
enabling a system management interrupt (SMI) timer,
determining a processor state of a processor upon
expiration of the SMI timer, the processor state being one
of an operational state and a low power state, loading the
SMI timer with a timer value based on the processor state,
the timer value being one of a first value and a second
value, and transitioning the processor to one of the
operational state and the low power state according to the
processor state.” (Claim 1) (Emphasis Added)

In the Office Action mailed on August 12, 2005, the Examiner states that “Claims 4... stand[s] objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim...” (Examiner’s Office Action, page 7) Applicant has included the fundamental

limitation of claim 4 within claim 1, namely enabling the SMI timer if throttling is enabled. Nakamura and Sun, each taken alone or in combination, at least do not teach, suggest, or render obvious the highlighted limitation in claim 1.

Claims 2-10 are dependent upon independent claim 1. Thus, for at least the same reasons advanced above with respect to independent claim 1, Applicant respectfully submits that Nakamura and Sun, each taken alone or in combination, do not render these dependent claims obvious.

In regard to independent claims 11 and 21, Nakamura and Sun, each taken alone or in combination, do not render Applicant's invention obvious for the same reason as independent claim 1. Again, the systems in Nakamura and Sun at least do not teach enabling an SMI timer if throttling is enabled. Thus, because Nakamura and Sun do not teach the presently claimed invention, Applicant respectfully submits that Nakamura and Sun, each taken alone or in combination, do not anticipate independent claims 11 and 21.

Claims 12-20 are dependent upon independent claim 11. Thus, for at least the same reasons advanced above with respect to independent claim 11, Applicant respectfully submits that Nakamura and Sun, each taken alone or in combination, do not render these dependent claims obvious.

Claims 22-30 are dependent upon independent claim 21. Thus, for at least the same reasons advanced above with respect to independent claim 21, Applicant respectfully submits that Nakamura and Sun, each taken alone or in combination, do not render these dependent claims obvious.

Thus, Nakamura and Sun, each taken alone or in combination, do not teach, suggest, or render obvious Applicant's invention as claimed in pending claims 1-3, 9-13,

19-23, 29, and 30. Applicant respectfully requests withdrawal of the 35 U.S.C. 103(a) rejection of claims 1-3, 9-13, 19-23, 29, and 30.

Claim Objections

The Examiner has objected to claims 4-8, 14-18, and 24-28 as being dependent upon a rejected independent base claim. Applicant has amended the independent base claims 1, 11, and 21 in regard to the 35 U.S.C §103(a) rejection. Applicant submits that the independent claims 1, 11, and 21 are now patentably distinguishable over the prior art and thus respectfully requests that the Examiner remove the objection to dependent claims 4-8, 14-18, and 24-28.

If there are any additional charges, please charge Deposit Account No 02-2666.
If a telephone conference would facilitate the prosecution of this application, the
Examiner is invited to contact Michael J. Mallie at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

2/13/06

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Michael J. Mallie (Reg. No. 36,591)

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

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